

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

ALICIA SPRAGUE,

Plaintiff,

-against-

3:19-CV-1263 (LEK/MJ)

T.C. INN d/b/a THE OLD  
SCHOOLHOUSE INN & RESTAURANT  
& JULIE MARKERT,

Defendants.

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**DECISION AND ORDER**

**I. INTRODUCTION**

Presently before the Court is Plaintiff's motion for attorney's fees. Dkt. Nos. 46 ("Motion"), 46-2 ("Plaintiff's Memorandum of Law"), 49 ("Defendants' Opposition and Cross-Motion"), 49-6 ("Defendants' Memorandum of Law"), 50 ("Plaintiff's Response"), 51 ("Defendants' Reply"). The Court previously deferred Plaintiff's motion for attorney's fees until the Court received the terms of Plaintiff's fee arrangement. See Dkt. No. 53 ("October Order"). Now that Plaintiff has provided the necessary information, see Dkt. No. 55, Plaintiff's motion for attorney's fees is denied.

**II. DISCUSSION**

As discussed in the October Order, district courts within the Second Circuit tend to deny motions for attorney's fees without prejudice pending the resolution of an appeal on the merits. See October Order at 4 (collecting cases). In this case, the Court will follow the approach offered by these sister courts. Thus, Plaintiff's motion is denied without prejudice to renew within 14 days of the entry of the appellate mandate on the docket.

**III. CONCLUSION**

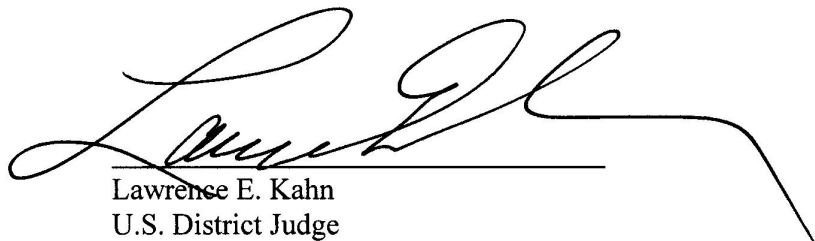
Accordingly, it is hereby:

**ORDERED**, that Plaintiff's motion for attorney's fees (Dkt. No. 46) is **DENIED** **without prejudice** to its renewal within 14 days of the entry of the appellate mandate on the docket sheet maintained by the Clerk of Court for this case; and it is further

**ORDERED**, that the Clerk serve a copy of this Decision and Order on all parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

DATED: November 01, 2021  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge